

## **REMARKS**

### **Claim Rejections**

Claims 3-4 are rejected under 35 U.S.C. § 112, second paragraph. Claims 3-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Horng (U.S. 6,561,762). Claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable by Grignon (U.S. 4,482,302) in view of Hopfensperger (4,761,115) or Kamada (6,503,060).

### **Amendments to Specification**

Applicant has amended the Specification as noted above to cure obvious grammatical and idiomatic inaccuracies. It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

### **Abstract of the Disclosure**

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the Substitute Abstract of the Disclosure is respectfully requested.

### **New and Amended Claims**

By this Amendment, Applicant has amended claim 3 and has added new claim 5 to this application. It is believed that the new and amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

It is noted that the references to Hopfensperger and Kamata, respectively, were initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon these references.

The new claims are directed toward a fan comprising: a frame body (1) having a hole (11); a supporting part (2) having a pivot (21) and a plurality of guiding ribs (22), the supporting part being connected to the frame body by the plurality of guiding ribs; and a fan blade (3) connected to the pivot, wherein each of the plurality of **guiding ribs is integrally formed with the frame** body, each of the plurality of guiding ribs having a cross section having two inclined flat surfaces located on opposing sides thereof, the two inclined flat surfaces having first ends spaced apart a first distance that is less than a second distance between second ends thereof, the first ends of the two inclined flat surfaces being located between the fan blade and the second ends of the two inclined flat surfaces, wherein each of the plurality of guiding ribs are **uniformly curved** along a length thereof in a direction corresponding to a direction of air blown from the fan.

Other embodiments of the present invention include: the first ends of the two inclined flat surfaces (221) are closer to a center of the frame body than the second ends of the two inclined flat surfaces; and the plurality of guiding ribs are five guiding ribs radiating from the central pivot at equal intervals.

The first primary reference to Horng et al. teaches a fan having support bars (2) that are straight along lengths thereof. Each of the support bars has a cross section having a curved air guide face (21), an air facing face (22), and a bottom face (23). It is important to note that Horng et al. do not teach that the support bars are integrally formed with the housing 1. The reference also discloses only three support bars.

Horng et al. do not teach: a fan having a plurality of guiding ribs integrally formed with frame housing. Nor does the reference teach that the plurality of guiding ribs are five guiding ribs radiating from the central pivot at equal intervals.

Applicant further maintains that Horng et al. does not teach that each of the plurality of guiding ribs has a cross section having two inclined flat surfaces located on opposing sides thereof; the two inclined flat surfaces having first ends spaced apart a first distance that is less than a second distance between second ends thereof; the first ends of the two inclined flat surfaces being located between the fan blade and the second ends of the two inclined flat surfaces; each of the plurality of guiding ribs are curved along a length thereof in a direction corresponding to a

direction of air blown from the fan; nor do Horng et al. teach the first ends of the two inclined flat surfaces are closer to a center of the frame body than the second ends of the two inclined flat surfaces.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Horng et al. do not disclose each and every feature of Applicant's new and amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Horng et al. cannot be said to anticipate any of Applicant's new and amended claims under 35 U.S.C. § 102.

The second primary reference to Grignon teaches a fan having support arms (2) that are straight along lengths thereof. Each of the support arms has a cross section with inclined surface symmetrically located opposing sides thereof, and positioned perpendicularly with respect to an impeller (7). It is important to note that Grignon does not teach that the support arms are integrally formed with the housing. The reference also discloses seven support bars as shown in Fig. 13.

Grignon does not teach: a fan having a plurality of guiding ribs integrally formed with frame housing. Nor does the reference teach that the plurality of guiding ribs are five guiding ribs radiating from the central pivot at equal intervals.

Applicant further maintains that Grignon does not teach each of the plurality of guiding ribs are curved along a length thereof in a direction corresponding to a direction of air blown from the fan; nor does Grignon teach the first ends of the two inclined flat surfaces are closer to a center of the frame body than the second ends of the two inclined flat surfaces.

Hopfensperger and Kamata are cited as teaching guiding ribs curved along a length in a direction corresponding to a direction of air blown from the fan. It is also important to note that Hopfensperger only teaches two interfering bodies 2. Hopfensperger's interfering bodies are not uniformly curved, but rather include mounting portions 2a, 2b creating serrated sections of the interfering bodies 2. It is also important to note that Hopfensperger only teaches two interfering bodies 2. Hopfensperger also teaches a fan configured to intentionally disrupt the flow of air

therefrom, as compared with Applicant's structure designed to boost air flow, as well as reduce noise.

Kamata discloses a fan having well in excess of ten ribs and these ribs are not integrally formed with the housing, but are part of the grille of a standard window fan.

Neither Hopfensperger nor Kamata teach: a fan having a plurality of guiding ribs integrally formed with frame housing; the plurality of guiding ribs are five guiding ribs radiating from the central pivot at equal intervals; that each of the plurality of guiding ribs has a cross section having two inclined flat surfaces located on opposing sides thereof; the two inclined flat surfaces having first ends spaced apart a first distance that is less than a second distance between second ends thereof; the first ends of the two inclined flat surfaces being located between the fan blade and the second ends of the two inclined flat surfaces; nor do the references teach the first ends of the two inclined flat surfaces are closer to a center of the frame body than the second ends of the two inclined flat surfaces.

Even if the teachings of Grignon, Hopfensperger, and Kamata were combined, as suggested by the Examiner, the resultant combination does not suggest: a fan having a plurality of guiding ribs integrally formed with frame housing; or that the plurality of guiding ribs are five guiding ribs radiating from the central pivot at equal intervals.

Nor does the combination suggest: that each of the plurality of guiding ribs has a cross section having two inclined flat surfaces located on opposing sides thereof; the two inclined flat surfaces having first ends spaced apart a first distance that is less than a second distance between second ends thereof; the first ends of the two inclined flat surfaces being located between the fan blade and the second ends of the two inclined flat surfaces; or the first ends of the two inclined flat surfaces are closer to a center of the frame body than the second ends of the two inclined flat surfaces.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected

prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Grignon, Hopfensperger, nor Kamata that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Grignon, Hopfensperger, nor Kamata disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new and amended claims.

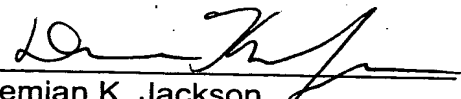
**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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